

UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

\* \* \*

MAX REED,

Plaintiff,

v.

NEVADA DEPARTMENT OF  
CORRECTIONS, et al.,

Defendants.

Case No. 3:14-cv-00313-MMD-VPC

ORDER ACCEPTING AND ADOPTING  
REPORT AND RECOMMENDATION OF  
MAGISTRATE JUDGE  
VALERIE P. COOKE

Before the Court is the Report and Recommendation of United States Magistrate Judge Valerie P. Cooke (ECF No. 127.) (“R&R”) relating to Plaintiff’s identical motions for a temporary restraining order and preliminary injunction (“Motion”). (ECF Nos. 96, 97.) Plaintiff had until May 14, 2016, to object to the R&R. To date, no objection has been filed.

This Court “may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge.” 28 U.S.C. § 636(b)(1). Where a party timely objects to a magistrate judge’s report and recommendation, then the court is required to “make a *de novo* determination of those portions of the [report and recommendation] to which objection is made.” 28 U.S.C. § 636(b)(1). Where a party fails to object, however, the court is not required to conduct “any review at all . . . of any issue that is not the subject of an objection.” *Thomas v. Arn*, 474 U.S. 140, 149 (1985). Indeed, the Ninth Circuit has recognized that a district court is not required to review a

1 magistrate judge's report and recommendation where no objections have been filed. See  
2 *United States v. Reyna-Tapia*, 328 F.3d 1114 (9th Cir. 2003) (disregarding the standard  
3 of review employed by the district court when reviewing a report and recommendation to  
4 which no objections were made); see also *Schmidt v. Johnstone*, 263 F. Supp. 2d 1219,  
5 1226 (D. Ariz. 2003) (reading the Ninth Circuit's decision in *Reyna-Tapia* as adopting the  
6 view that district courts are not required to review "any issue that is not the subject of an  
7 objection."). Thus, if there is no objection to a magistrate judge's recommendation, then  
8 the court may accept the recommendation without review. See, e.g., *Johnstone*, 263 F.  
9 Supp. 2d at 1226 (accepting, without review, a magistrate judge's recommendation to  
10 which no objection was filed).

11 Nevertheless, this Court finds it appropriate to engage in a *de novo* review to  
12 determine whether to adopt Magistrate Judge Cooke's R&R. The Magistrate Judge  
13 recommended that Plaintiff's Motion (ECF Nos. 96, 97) be denied. Upon reviewing the  
14 R&R and the underlying briefs, this Court finds good cause to adopt the Magistrate  
15 Judge's R&R in full.

16 It is therefore ordered, adjudged and decreed that the Report and  
17 Recommendation of Magistrate Judge Valerie P. Cooke (ECF No. 127) is accepted and  
18 adopted in its entirety.

19 It is ordered Plaintiff's Motion for a temporary restraining order and preliminary  
20 injunction (ECF Nos. 96, 97) is denied.

21 It is further ordered that Plaintiff's motion to supplement his Motions (ECF No.  
22 109) is granted.

23 It is further ordered that Plaintiff's motions requesting a status check on the status  
24 of his Motions (ECF Nos. 114, 122) are denied as moot. Plaintiff's second motion  
25 requesting a status check asks the Court to clarify what steps he may take to appeal the  
26 Court's ruling in the event the Court denies his Motions. The Court cannot offer advisory

27 ///

28 ///

1 ruling or give legal advice. Plaintiff should refer to 28 U.S.C. § 1292, which governs  
2 appeals of interlocutory orders such as an order denying preliminary injunction.

3 DATED THIS 23<sup>rd</sup> day of May 2016.

4  
5 

6 MIRANDA M. DU  
7 UNITED STATES DISTRICT JUDGE  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28